

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

v.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

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: CIVIL ACTION
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: NO. 04-CV-325 (ERIE)
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: Judge Sean J. McLaughlin
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ORDER

AND NOW, this _____ day of _____, 2006, upon
consideration of Plaintiff's Motion for Partial Summary Judgment on Defendant's
Counterclaims, and any response thereto, it is hereby ORDERED that the Motion is GRANTED.
Judgment hereby is entered for Indeck Keystone Energy, LLC and against Victory Energy
Operations, LLC on Counts II through V, inclusive, of the Second Amended Counterclaim.

BY THE COURT:

, J.